

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1) BRIANNE SIX,

Plaintiff,

vs.

Case No. CIV-22-175-D

1) AMERICAN FIDELITY  
CORPORATION,

Defendant.

**NOTICE OF REMOVAL**

TO: THE CLERK OF THE ABOVE-TITLED COURT AND ALL PARTIES:

PLEASE TAKE NOTICE that Defendant American Fidelity Corporation (“Defendant”) removes this action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma under 28 U.S.C. §§ 1331 and 1441(a). Defendant removes this case on the grounds that this Court has original jurisdiction over the claims involving a federal question. Defendant’s Notice of Removal is based upon and supported by the following:

**BACKGROUND**

1. On February 9, 2022, Plaintiff Brianne Six (“Plaintiff”) filed this civil action against Defendant in the District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2022-626 (the “State Court Action”). In the Petition, Plaintiff alleges Defendant violated the Family and Medical Leave Act (“FMLA”) of 1993, 29 U.S.C. §§ 2601-2654. (Exhibit 1, Petition, ¶¶ 19 - 27.)

2. On or about February 9, 2022, Plaintiff served her Petition on the service agent for the Defendant.

3. This Notice of Removal is timely filed because it is done within 30 days of service of the Petition. 28 U.S.C. § 1446(b)(2)(B).

4. Removal to this Court is appropriate because the Petition is pending in the District Court of Oklahoma County, State of Oklahoma, which is located in this Court's jurisdiction. *See* 28 U.S.C. §§ 116(c), 1441(a).

### **GROUND FOR REMOVAL**

5. The Court has original jurisdiction over the State Court Action under 28 U.S.C. § 1331 because Plaintiff's causes of action, as alleged under the FMLA, arise under the laws of the United States thus providing this Court federal question jurisdiction.

6. Therefore, the State Court Action may be removed to this Court by Defendant under 28 U.S.C. § 1441(a).

### **NOTICES PROVIDED TO PLAINTIFF AND TO STATE COURT**

7. Under 28 U.S.C. § 1446(a) and LCvR81.2, the docket sheet and a true and correct copy of all process, pleadings, and orders served upon Defendant in the State Court Action are attached. (Exhibit 2, Summons; Exhibit 3, State Court Docket.)

8. In accordance with 28 U.S.C. § 1446(d), Defendant is promptly filing a notice (with a copy of this Notice of Removal attached to it) with the Oklahoma County Court Clerk—the court in which this action was commenced and pending at the time this Notice of Removal was filed with this Court. That filing will be done in the case entitled *Six v. American Fidelity Corporation*, District Court of Oklahoma County, State of

Oklahoma, Case No. CJ-2022-626. Defendant will promptly serve on Plaintiff the notice with a copy of the Notice of Removal attached. (Exhibit 4, State Court Notice.)

### **CONCLUSION**

9. By this Notice of Removal, Defendant does not waive any objections that it may have as to improper service, jurisdiction, venue, or any other defenses to this action. Defendant intends no admission of fact, law, or liability by this Notice of Removal, and it reserves all defenses, motions, and pleas. Defendant requests that this action be removed to this Court for final determination, that all further proceedings in the State Court Action be stayed, and that Defendant obtain all additional relief to which it is entitled.

WHEREFORE, Defendant respectfully removes the above-captioned action now pending against it in the District Court of Oklahoma County, State of Oklahoma, to this Court.

DATED: March 1, 2022.

Respectfully submitted,

/s/ Victor F. Albert

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of March 2022, I electronically transmitted the foregoing to the Clerk of Court using the ECF system for electronic filing. The Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Barrett T. Bowers  
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*Attorney for Plaintiff*

/s/ Victor F. Albert  
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Victor F. Albert

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